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Sustainable development and international economic cooperation

Environment and sustainable development

Letter dated 26 July 2002 from the Chargé d'affaires a.i. of the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

Upon instructions from my Government and with reference to the joint letter dated 15 April 2002 from the Permanent Representatives of Azerbaijan and Kazakhstan to the United Nations, which has been circulated as a document of the General Assembly (A/56/927), I have the honour to communicate to you the position of the Islamic Republic of Iran concerning the legal regime of the Caspian Sea, as follows:

The legal regime governing the Caspian Sea has been provided for in the Treaty of Amity concluded between Iran and Russia on 26 February 1921, as well as the Iran-USSR Commerce and Navigation Agreement of 25 March 1940 and the letters attached thereto. In accordance with the norms and principles of customary international law, as codified in article 12 of the 1978 Vienna Convention on the Succession of States in Respect of Treaties (see *Reports of Judgments, Advisory Opinions and Orders of ICJ*, 1997, p. 72), the above-mentioned treaties are binding on all successor States of the former Union of Soviet Socialist Republics. Moreover, these States have agreed to fulfil the international obligations deriving from treaties and agreements concluded by the former Union of Soviet Socialist Republics (see article 12 of the Agreement Establishing the Commonwealth of Independent States, signed on 8 December 1991 at the city of Minsk, and its Protocol, as well as the Alma Ata Declaration adopted on 21 December 1991).

It should be emphasized that, in accordance with the principle of unanimity, as agreed by the Ministerial Meeting of the Coastal States of the Caspian Sea on 12 November 1996, at Ashgabat, Turkmenistan, the Coastal States are required to avoid taking any action contrary to the said principle.

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Moreover, the sovereign rights cannot be exercised, unilaterally or through a bilateral agreement, by the coastal States of the Caspian Sea as mentioned in the joint letter of Azerbaijan and Kazakhstan, since the Caspian Sea has a legal regime contained in the said Treaties, since it is shared by all its coastal States, and since these States have already agreed to apply unanimity with respect to supplementing the existing regime of the Sea and consequently to avoid any unilateral or bilateral action. Such measures inevitably contravene the sovereign rights of other coastal States, have adverse and long-term effects on the environment of the Caspian Sea, and thus are not acceptable to the Islamic Republic of Iran. It is essential that all decisions concerning the Caspian Sea be taken with the consent of all its coastal States, as agreed at their Ministerial Meeting in 1996, as well as at the Summit Meeting at Ashgabat in 2002.

It should be recalled that the general agreement of all coastal States of a given lake is the only principle that applies to the delimitation of international lakes. In view of the fact that the Caspian Sea is a unique international lake, and that the existing instruments do not contain any provision regarding the drawing up of boundaries at the Sea, supplementing its legal regime though bilateral agreement contravenes the said principle, the existing regime of the Sea, and the understanding reached at the summit level among the coastal States.

Therefore, the Islamic Republic of Iran considers such bilateral measures as unhelpful steps, which delay the supplementing of the legal regime of the Caspian Sea. In its view, a comprehensive and acceptable regime governing the Caspian Sea can only be achieved through negotiations among the five coastal States. Thus, the Islamic Republic of Iran invites all the coastal States to continue to be committed to arriving at decisions which will be acceptable to all littoral States of the Sea and to avoid bilateral actions.

I should be grateful if you would arrange to have the text of this letter circulated as a document of the General Assembly, under agenda items 30, 97 and 98.

(*Signed*) Mohammad Hassan **Fadaifard**
Ambassador
Chargé d'affaires a.i.